

REMARKS

This is in reply to the final Office Action mailed December 19, 2008. Claims 25, 26 and 28-51 are pending in the application. Claims 32-48 are withdrawn from consideration. Claim 25 is the sole independent claim.

In the Office Action, the Examiner rejected Claims 25, 26 and 28-31, 49-51 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Masanori et al., JP 08-195201 (machine translation) ("*Masanori*"). In response, Applicants have amended independent Claim 25 to further include the conductive agent and recite that fusing the binder by heating prevents the anode active material and the conductive agent from being covered by the binder. This amendment is supported in the Applicant's Specification. See, for example, Applicant's Published Application [0029], [0031], Figs 1 and 3.

Applicants argue that the product in the claimed invention is novel and non-obvious over *Masonari*. Contrary to Examiner's allegation, the claimed product does undergo a permanent structural change: "when the binder 12B is fused by heating, the binding force can be improved, and higher effects can be obtained." See, Applicant's Published Application, [0070]; Examples 1-1 and 1-2, 1-6, 1-7 and 1-8. Applicants also argue that, "differently from the conventional fragile binding due to dissolution and deposition, in this embodiment, solid binding by the thermally adhered binder 12B can be realized. Further, the anode active material 12A and the conductive agent 12C are prevented from being covered with the binder 12B." See Applicant's Published Application [0031]. This change in the claimed product results in improved performance of discharge capacity, change and discharge efficiency and the cycle retention ratio. See, Applicant's Published Application, [0079].

Applicants reassert their arguments that the simple mixing process in *Masonari* cannot impart the amount of mechanical energy required to fuse the binder. In addition, Applicants maintain that *Masanori* teaches away from the concept of imparting energy and heat into the dispersion because it teaches that the desired dispersion state can be achieved without decreasing the viscosity of the binder. Paragraph [0005-Problems to be solved by this Invention]. Since heat would decrease the viscosity of the mixture, *Masonari* teaches away from the step of fusing the binder as recited in the claimed invention. For the aforesaid reasons, Applicants argue that

amended claim 25 and the claims that depend there from are not anticipated or made obvious by *Masonari*. Accordingly, Applicants request that the rejections be withdrawn.

In the Office Action, the Examiner rejected Claims 25, 26, 31, 49, 50, 51 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Yoshio et al., JP 2000-036323 (machine translation) ("*Yoshio*"). *Yoshio* does not teach, suggest or disclose all the limitations of amended Claim 25. And as argued above, fusing the binder by heating causes a structural change in the claimed product and results in improved performance of discharge capacity, change and discharge efficiency and the cycle retention ratio. See Applicant's Published Application, [0079]. Applicants argue that amended claim 25 and the claims that depend there from are not anticipated by or made obvious by *Yoshio*. Accordingly, Applicants request that these rejections be withdrawn.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), accompanies this Response. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

Respectfully submitted,

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